



State of Utah

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Lieutenant Governor

Department of Environmental Quality

Alan Matheson
Executive Director

DIVISION OF WATER QUALITY
Erica Brown Gaddis, PhD
Director

Water Quality Board
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Jennifer Grant, Vice-Chair
Clyde L. Bunker
Steven K. Earley
Gregg A. Galecki
Michael D. Luers
Alan Matheson
David C. Ogden
Dr. James VanDerslice
Dr. Erica Brown Gaddis
Executive Secretary

MINUTES

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

UTAH WATER QUALITY BOARD

195 N 1950 W

Salt Lake City, UT 84116

March 28, 2018

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Myron Bateman	Clyde Bunker
Steven Earley	Scott Baird
Michael Luers	Jennifer Grant
Gregg Galecki	

Excused: James VanDerslice, David Ogden, Alan Matheson

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Erica Gaddis, Brenda Johnson, Savannah Miller, Marsha Case, Jerry Rogers, Skyler Davies, Emily Cantón, Dan Hall, Kevin Okleberry, Lisa Stevens, Trisha DiPaola, Kelsey Christiansen, Brian Hamos, John Mackey, Judy Etherington

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Greg Seegmiller	Woods Cross
Many Uresk	Woods Cross
Kathy VanDame	Wasatch Clean Air
Bret Randall	AGO
Paul McConkie	AGO
Michael Brehm	University of Utah
Justin Atkinson	Sunrise Engineering
Tom Ward	Sandy City Public Utilities
Mike Gladbach	Sandy City Public Works
Lawrence & Jane Burton	Orem City-Retired
Lisa Izuschner	PBL
Steven Switzer	Michael Baker Intl
Tyler Shelley	Sandy City PU
Sarah Hinnars	University of Utah

Mr. Bateman called the Board meeting to order at 9:30 AM and took roll call for the members of the Board and audience.

APPROVAL OF MINUTES OF THE FEBRUARY 28, 2018 MEETING

Motion: **Mr. Bunker moved to approve the minutes of the February 28, 2018 meeting. Mr. Earley seconded the motion. The motion passed unanimously.**

EXECUTIVE SECRETARY REPORT

- The Waters of the U.S. discussion continues nationally. The definition that was rescinded in 2017 is currently being redeveloped with the EPA and the U.S. Army Core of Engineers. They consulted with the states and various associations on March 8th and 9th in a co-regulator workshop on elements of the new definition. Utah was not present; however, neighboring states participated as representatives of western interests. There was also discussion about the clarification of the terms “tributary” and “wetlands”, as well as exclusions to the definitions. They have come up with potential ideas, but nothing has been finalized.
- There are currently three draft approvals for phosphorus variance requests out for public comment: Provo City, Price City, and Jordan Basin. All requests have been discussed with the facilities and they are in agreement with the Division’s approval.
- Dr. Gaddis spent time with Provo City Council last week. They voted to move forward with a new treatment plant versus retrofitting the existing one. The timeline, technology, and site are still being determined.
- The Willard/Perry variance was approved. There is about \$1 million from the Hardship Grant on reserve for the facility that will be returned now that the permit has been issued and the variance granted. The Division will report on that at the April meeting.
- Another batch of variance requests is in the works and should be ready to go shortly. The Division is working on getting them out as quickly as possible with the understanding that facilities are anxiously waiting for answers.
- Legislative Session Update:
 - HB365: The amendment to the statute that would bring before a Legislative Committee any TMDL or nutrient related rule that would cost more than \$10 million or bring before the full Legislature any TMDL or nutrient related rule that would cost more than \$100 million, did not pass. Differences in the Senate that had to be reconciled at the last minute caused the Legislature to run out of time, but the bill is expected to come back next session.
 - HB135 was the extraterritorial jurisdiction bill. It did not pass, but it has gone to study with DNR, the Executive Water Taskforce, and the Legislative Water Development Commission.
 - HB381 is for the Agricultural Optimization Taskforce that Mr. Harris presented for the Board last month. The bill passed, which allows the \$100,000 the Board

- authorized contingent on the passage to go into the new fund.
- HB272 also passed. The bill was for the Utah Lake Amendment, which allows the disposal of state land in exchange for a comprehensive restoration solution for Utah Lake. This is not to be confused with the science panel for the Division's Utah Lake Study.
- Dr. Gaddis also provided an update on the Utah Lake Study. 25 nominations were submitted for qualified scientists to serve on the science panel. Some were local, some from around the country, and one international. Water Quality is working with the steering committee to make a final decision. There is a call scheduled for next Tuesday, April 3rd.
- Funding Updates:
 - The harmful algal bloom funding came through from the Governor's office. The Division requested \$178,000 and the Governor added an additional \$126,000 to compensate for the costs incurred over the previous season. Water Quality will be hiring two seasonal employees that will be responsible for monitoring harmful algal blooms to allow for more proactivity in protecting public health.
 - The Storm Water fee increase was also approved. That adds \$142,000 to the Division, allowing Water Quality to hire an additional Storm Water inspector which eliminates the need for EPA to help meet the inspection burden. The extra funds also allow for a Storm Water Inspection Certification Program to be managed by the Division rather than being managed by USWAC.
- The Board was also updated on Tibble Fork. Since the discharge incident in 2016 that resulted in fish kill and a lot of heavy metal sediment released into the river, the most recent water quality samples collected show that the river has returned to pre-release conditions. It appears that most of the sediments moved into some irrigation basins downstream, which allowed for the recovery of most of the heavy metal material. Fish tissue has also been studied, and the results show no great concern. There will be ongoing sampling, but it seems Tibble Fork is on the mend.
- Hog Farms are developing in southern and western Utah, and are attracting a lot of public interest. Smithfield (previously Circle 4 Farms) has begun constructing a major hog farm called Pinnacle Fisher Farms, located on the Beaver/Millard county line. The farm could hold up to a million hogs, and is currently being permitted under a Ground Water discharge permit. There are 52 different farm sites and a total of 104 lagoons, all of which are fully lined. Mayor Ogden served as a hearing officer for the public meeting last week regarding this issue.

OTHER BUSINESS

Kennecott Settlement Agreement: Ms. Grant excused herself. Mr. Hall presented a request for approval of the Settlement Agreement and Order of Consent with Rio Tinto Kennecott Copper (RTKC). The Settlement Agreement and Order of Consent have been negotiated with RTKC to resolve several releases from tailings and process water pipelines, and other facilities in association with RTKC.

Motion: Mr. Luers moved to approve the Settlement Agreement between RTKC and DWQ. Mr. Galecki seconded the motion. The motion passed unanimously.

Feasibility Report for Storm Water LID Projects: Ms. Stevens requested that the Board approve funding for the Storm Water LID projects from the loan the Board approved for South Davis Sewer District of \$2,500,000. The top three ranked projects are the University of Utah, Woods Cross, and Sandy City Public Works facility.

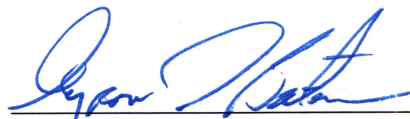
Motion: Mr. Galecki moved to approve the use of the funds from the SDSD loan for the Storm Water LID Projects. Ms. Grant seconded the motion. The motion passed unanimously.

Wastewater Operator Certification Council Recognition Awards: Mr. Bateman and Ms. Etherington presented awards to Lawrence Burton and Tom Pendley for their service on the Wastewater Operator Certification Council.

2017 Calvin K. Sudweeks Award: Mr. Bunker, Mr. Luers, and Mr. Earley agreed to serve as the subcommittee for the award. Dr. Gaddis has been soliciting the DWQ staff for nominations, and the Board is welcome to submit their nominations as well. It will be presented at either the April or the May Board meeting.

To listen to the full recording of the Board meeting go to: <http://www.utah.gov/pmn/index.html>

Next Meeting – April 18, 2018



Myron Bateman, Chair
Utah Water Quality Board